

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT
601 57th STREET SE
CHARLESTON, WV 25304

WEST VIRGINIA/NPDES
MULTI-SECTOR GENERAL WATER POLLUTION CONTROL PERMIT

FACT SHEET AND RATIONALE

Commented [A1]: Please review 40 CFR 124.8 to be sure that all relevant parts of the facts sheet are included here.

Commented [A2]: Many of the conclusions/decisions made by WVDEP with respect to this permit need to be explained in this fact sheet.

1. NAME AND ADDRESS OF APPLICANT: Any establishment with discharges composed entirely of stormwater associated with industrial activity agreeing to be regulated under the terms of this proposed general permit (except as noted herein).
2. GENERAL WV/NPDES PERMIT NO.: WV0111457
3. COUNTY: Any WV county
4. RECEIVING STREAM: Any WV stream
5. PUBLIC COMMENT PERIOD FROM TO
6. BACKGROUND

The West Virginia Multi-Sector Stormwater General Permit for Industrial Activities is intended to cover stormwater discharges to waters of the State from a wide variety of industrial activities and is derived from, and based in large part upon the Final National Pollutant Discharge Elimination System Multi-Sector Stormwater General Permit For Industrial Activities as promulgated by the Environmental Protection Agency (EPA) in Federal Register Volume 80 No. 115, Tuesday June 16, 2015 / Notices (the "Federal Multi-Sector Permit" or FMSP).

The West Virginia Multi-Sector Stormwater Permit is proposed to replace the existing Stormwater Multi-Sector Permit No. WV0111457. All facilities covered under the existing general permit six months before the effective date of the proposed 2019 general permit, will be required to submit a new registration form to obtain coverage under the new Multi-Sector Stormwater Permit. Upon receipt of the registration application form, the Division of Water and Waste Management (DWWM) will review it for completeness. DWWM then will advise an applicant of its coverage under this general permit and advise applicable Sector and Monitoring Requirements. Proposed stormwater discharges or discharges without previous general permit coverage or applications are also eligible for

Commented [A3]: I'm not sure if this is what the sentence means, but it was confusing without specifying the GPs.

coverage under the general permit; - however, each discharge/facility must meet the public notice and public comment requirements.

7. TYPES OF DISCHARGES COVERED

This general permit covers stormwater discharges associated with industrial activity from industrial categories which the EPA has determined to contain stormwater discharges consistent with the EPA's definition of "stormwater discharges associated with industrial activity," except those stormwater discharges described in the next section. These industrial categories have been regrouped into the 23 sectors based upon similarities in the nature of the industrial activity, the type of materials handled, and material management practices employed. This general permit also covers stormwater discharges associated with industrial activity from those industries which will not, or are not, covered under sectors A through W. Refer to the general permit, Part A, for the type of discharges covered under each sector.

8. TYPES OF DISCHARGES NOT COVERED

The State of West Virginia has decided to regulate stormwater associated with the following industrial activity through individual WV/NPDES Permits. Most of these facilities are subject to effluent guidelines and/or operating under individual WV/NPDES permit.

Cement Manufacturing (40 CFR Part 411)
Feedlots (40 CFR Part 412)
Fertilizer Manufacturing (40 CFR Part 418)
Petroleum Refining (40 CFR Part 419)
Phosphate Manufacturing (40 CFR Part 422)
Steam Electric (40 CFR Part 423)
Coal Mining (40 CFR Part 434)
Mineral Mining and Processing (40 CFR Part 436)
Ore Mining and Dressing (40 CFR Part 440)
Asphalt Emulsion (40 CFR Part 443)
Oil and Gas Extraction (SIC Major Group 13)
Publicly Owned Treatment Works (SIC 33)
Landfills
Land Application Sites
Primary Metals
Discharges Associated with Construction Activities.
Wood Preserving Facilities (SIC 2491)
Hazardous Waste Treatment, Storage or Disposal Facilities
Leather Tanning or Finishing (SIC 3111)
Water Transportation Facilities
Ship and Boat Building or Repairing (SIC 3731)

Commented [A4]: It should be explained in here why these types of facilities are not eligible for the GP.

Commented [A5]: Do these sectors have neither a CFR part or SIC to reference here?

9. MONITORING REQUIREMENTS

This general permit requires analytical monitoring for discharges from certain classes of industrial facilities. The DWWM believes that industries may reduce the level of pollutants in stormwater runoff from their sites through the development and proper implementation of a stormwater pollution prevention plan (SWPPP). The general permit requires mainly analytical monitoring for the industry sectors or subsectors that demonstrated a potential to discharge pollutants at concentrations of concern. The general permit also requires effluent limitation monitoring for Sector H. Stormwater Discharges Associated with Industrial Activity from Vehicle Maintenance Areas, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities. This monitoring stems from a effluent limitation established in May 2012. To determine when such analytical monitoring would be required, the EPA established “benchmark” concentrations for the pollutant parameters on which monitoring results had been received. The “benchmarks” are the pollutant concentrations above which the EPA determined represents a level of concern. The level of concern is a concentration at which a stormwater discharge could potentially impair, or contribute to impairing water quality or affect human health from ingestion of water or fish. DWWM also views the benchmarks as a level; that, if below, a facility represents little potential for water quality concern. As such, the benchmarks also provide an appropriate level to determine whether a facility’s stormwater pollution prevention measures are successfully implemented. The benchmark concentrations are not effluent limitations and should not be interpreted or construed as such. These values are merely levels which the DWWM is using to determine if a stormwater discharge from any given facility merits further monitoring to ensure that the facility has been successful in implementing a the approved Stormwater Pollution Prevention Plan (SWPPP). As such, these levels represent a target concentration for a facility to achieve through implementation of pollution prevention measures at the facility. The following table lists the parameter benchmark values as selected by the DWWM.

Commented [A6]: This sentence seems out of place here, as it has nothing to do with monitoring.

Commented [A7]: Why is this term in quotes sometimes but not others?

Commented [A8]: Does WVDEP approve the SWPPP itself, or does review of the SWPPP as part of the application mean it is approved if coverage is granted?

**Parameter Benchmark Values
West Virginia**

| Parameter Name | Benchmark Level | Source* |
|-------------------------------|-----------------|---------|
| Biochemical Oxygen Demand (5) | 30 mg/l | 4 |
| Chemical Oxygen Demand | 120 mg/l | 5 |
| Total Suspended Solids | 100 mg/l | 14 |
| Oil and Grease | 15 mg/l | 8 |
| Nitrate+Nitrite Nitrogen | 0.68 mg/l | 7 |

| Parameter Name | Benchmark Level | Source* |
|----------------------------|-----------------|---------|
| Total Phosphorus | 2.0 mg/l | 6 |
| PH | 6.0-9.0 s.u. | 14 |
| Acrylonitrile (c) | 7.55 mg/l | 2 |
| Aluminum, Total (pH 6.5-9) | 0.75 mg/l | 1 |
| Ammonia | 4 mg/l | 14 |
| Antimony, Total | 0.636 mg/l | 9 |
| Arsenic, Total (c) | 0.16854 mg/l | 9 |
| Benzene | 0.01 mg/l | 10 |
| Beryllium, Total (c) | 0.13 mg/l | 2 |
| Butylbenzyl Phthalate | 3 mg/l | 3 |
| Cadmium, Total (H) | 0.0159 mg/l | 9 |
| Copper, Total(H) | 0.0636 mg/l | 1 |
| Chloride | 860 mg/l | 1 |
| Dimethyl Phthalate | 1.0 mg/l | 11 |
| Ethylbenzene | 0.1 mg/l | 14 |
| Flouranthene | 0.042 mg/l | 3 |
| Fluoride | 1.8 mg/l | 6 |
| Iron, Total | 1.0 mg/l | 12 |
| Lead, Total (H) | 0.0816 mg/l | 1 |
| Manganese | 0.0636 mg/l | 13 |
| Mercury, Total | 0.0024 mg/l | 1 |
| Nickel, Total (H) | 1.417 mg/l | 1 |
| PCB-1016(c) | 0.000127 mg/l | 9 |
| PCB-1221(c) | 0.10 mg/l | 10 |
| PCB-1232(c) | 0.000318 mg/l | 9 |
| PCB-1242(c) | 0.00020 mg/l | 10 |
| PCB-1248(c) | 0.002544 mg/l | 9 |
| PCB-1254(c) | 0.10 mg/l | 10 |

| Parameter Name | Benchmark Level | Source* |
|-----------------------|-----------------|---------|
| PCB-1260(c) | 0.000477 mg/l | 9 |
| Phenols, Total | 1.0 mg/l | 11 |
| Pyrene (PAH.c) | 0.01 mg/l | 10 |
| Selenium, Total | 0.2385 mg/l | 9 |
| Silver, Total (H) | 0.0318 mg/l | 9 |
| Toluene | 0.10 mg/l | 14 |
| Trichloroethylene (c) | 0.0027 mg/l | 3 |
| Zinc, Total (H) | 0.117 mg/l | 1 |

(*) Sources

1. "EPA Recommended Ambient Water Quality Criteria." Acute Aquatic Life Freshwater
2. "EPA Recommended Ambient Water Quality Criteria." LOEL Acute Freshwater
3. "EPA Recommended Ambient Water Quality Criteria." Human Health Criteria for Consumption of Water and Organisms
4. Secondary Treatment Regulations (40 CFR 133)
5. Factor of 4 times BOD5 concentration - Benchmark
6. North Carolina stormwater benchmark derived from NC Water Quality Standards
7. National Urban Runoff Program (NURP) median concentration
8. Median concentration of Stormwater Effluent Limitation Guideline (40 CFR Part 419)
9. Minimum Level (ML) based upon highest Method Detection Limit (MDL) times a factor of 3.18
10. Laboratory derived Minimum Level (ML)
11. Discharge limitations and compliance data
12. "EPA Recommended Ambient Water Quality Criteria." Chronic Aquatic Life Freshwater
13. Colorado - Chronic Aquatic Life Freshwater - Water Quality Criteria
14. Baseline General Permit for Stormwater Discharges from Industrial Activity and Best Professional Judgment (BPJ)

Notes:

(c) carcinogen

(H) hardness dependent

(PAH) Polynuclear Aromatic Hydrocarbon

Assumptions:

Receiving water temperature - 20° C

Receiving water pH - 7.8

Receiving water hardness CaCO3 - 100 mg/l

Commented [A9]: How were these assumptions determined? Are they representative of all types of industrial facilities throughout the state?

Receiving water salinity - 20 g/kg
Acute to Chronic Ratio (ACR) - 10

As can be seen here, benchmark concentrations were determined based upon a number of existing standards or other sources to represent a level above which water quality concerns could arise. The DWWM has sought to develop values which can realistically be measured and achieved by industrial facilities. Moreover, stormwater discharges with pollutant concentrations occurring below these levels would not warrant further analytical monitoring due to their minor potential effect on water quality. The DWWM believes that each of these benchmark values represents a reasonable level below which water quality impacts should not occur and they, therefore, represent a useful level to assess whether a SWPPP pollution prevention plan is controlling pollution in the stormwater discharges.

Commented [A10]: The values should be protective of the receiving waters.

Commented [A11]: What is the basis for this conclusion?

The DWWM has adopted each of the benchmark values as determined by the EPA and tabulated in the Federal Multi Sector Permit Rationale under the table on page 3 of this fact sheet, Parameter Benchmark Values, with the exception of those benchmark values for Ammonia, Ethyl benzene, and Toluene. Generally, the DWWM has adopted values for these three (3) parameters from its Baseline General Permit for Stormwater Discharges in conjunction with the application of its Best Professional Judgement (BPJ).

Commented [A12]: See comments in the permit document wrt benchmark parameters that do not correlate to the EPA MSGP.

Commented [A13]: What is a Baseline General Permit?

Commented [A14]: How was BPJ determined? Need an explanation.

10. CHANGES FROM THE 2014 PERMIT

The following changes have been made to the general permit

Page ii. All facilities covered under this General Permit are subject to public notice requirements the first time they apply. This is required to ensure that all facilities comply with antidegradation requirements. This public notice is a requirement under CSR Section 22-11-8(a).

Commented [A15]: Does this req't apply to those renewing coverage as well?

Page iii. Clarifies that to terminate permit coverage under this permit a signed, dated request must be submitted to this Division within 30 days of termination of activities requiring permit coverage. This requirement is being implemented to provide guidance to permittees about how their registrations may be closed for sites that are no longer active.

Page iii. Indicates where all stormwater samples must be collected. Added to ensure that permittees know where to sample to ensure that samples collected are representative of the pollutants being discharged.

Page 23 Section B number 2. Removes the following allowable non- stormwater discharges from the permit. This language from the 2014 general permit is removed.

The following non – stormwater discharges that are mixed with stormwater are allowed.

1. Mist discharges which originate from cooling towers and which are deposited at an industrial facility.

Mist discharges must meet the following requirements: 1. The permittee has evaluated the potential for the discharges to be contaminated by chemicals used in the cooling tower and determined that the levels of such chemicals in the discharges would not cause or contribute to a violation of an applicable water quality standard and 2. The permittee has addressed this source of pollutants with appropriate best management practices (BMPs) in the Stormwater Pollution Prevention Plan (SWPPP).

2. Discharges from fire fighting activities

3. Fire hydrant flushings

4. Potable water sources including waterline flushings

5. Irrigation drainage

6. Lawn watering

7. Routine external building washdown without detergents

8. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used

9. Uncontaminated Air conditioning condensate

10. Uncontaminated Compressor condensate

11. Uncontaminated ground water or spring water and foundation and footing drains where flows are not contaminated with process materials

Language was removed from this permit to ensure that only stormwater is discharged from all facilities. This is because the Director cannot ensure that any non- stormwater discharges will not affect water quality.

Page 28, #14. Clarifies Antidegradation Requirements. Indicates in the permit all antidegradation requirements. This indicates that existing permit registrations are not subject to antidegradation requirements and that new registrations must comply with these requirements. This requires that all new permit registrations to be advertised in local newspapers with the largest readership.

Commented [A16]: There is no explanation as to why this is an allowable practice. Please explain here.

Page 29, #19. Establishes requirements for qualified person to prepare a sites SWPPP. This is being added to be consistent with EPA requirements about who may prepare these plans.

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Page 39, #20. Establishes procedures to allow a permittee to ~~terminate~~ ~~close-out~~ an existing general permit registration. The following language was added.

20. Requirements for ~~closure~~~~termination~~ of general permit registrations.

A permittee may certify that the site's general permit registration may be terminated by a request if they meet the following requirements.

- (1) The request is submitted to the WV DEP with the following statement.

By completing and submitting this closure application request, I have reviewed all site conditions and verify that no point sources associated with industrial activity are located on the permitted site.

I certify under penalty of law that I have personally examined and am familiar with the information submitted on this closure request and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- (2) The permittee provides the Director sixty days to conduct a site inspection before the general permit registration is ~~closed~~~~terminated~~.

- (3) The request provides photographs, site sketches, disposal logs or any other requirements deemed necessary by the Director to determine that the site no longer needs permit coverage.

- (4) The Director reserves the right to deny any closure request.

Commented [A17]: Should be a stand-alone statement. Not a requirement of the permittee, as are 1-3.

11. ANTIDEGRADATION REQUIREMENTS

The Stormwater Industrial Multi Sector permit is ~~Best Management Practice (BMP)~~ based and has no discharge permit limits. The only exception is some activities in certain sectors have effluent limitation guidelines. These sectors are sector C-1B Phosphate Fertilizer Manufacturing, D-2B Asphalt Paving and Roofing Materials Manufacturing, and H-1 Air Transportation Facilities only if the site has airfield pavement deicing and airplane deicing (for new sources only). Currently there are approximately 1,000 facilities registered under the 2014 Stormwater Industrial Multi-Sector General Permit. These facilities have existing discharges and therefore are not subject to antidegradation requirements. Any new facility applying to be covered under the new 2019 Multi Sector general permit is required to comply with antidegradation requirements. In order to comply with these requirements, the DWWM requires that these new facilities are sent to prepare a public notification to the public regarding their permit application~~ee~~. It also requires that BMPs~~s~~ are

Commented [A18]: What about benchmarks? While they are not limits, they should still be mentioned here. Also, there are ELG limits listed in the permit. This sentence is not accurate.

Commented [A19]: I don't think this an accurate statement.

Commented [A20]: The permit does not explain what the permittee has to do to comply with antidegradation other than to prepare a public notice.

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implemented and in place prior to any stormwater discharge. The permit requires that SWPPP's and Groundwater Protection Plans (GPP's) be submitted with the new applications and reviewed and approved prior to the issuance of registrations under the permit.

Commented [A21]: How does this address antidegradation requirements specifically? FS should explain that.

12. Chesapeake Bay TMDL and West Virginia Watershed Improvement Plan (WIP).

In the state of West Virginia, the Counties of Jefferson, Berkeley, Morgan, Hampshire, Mineral, Grant, Hardy and Pendleton drain to the Chesapeake Bay and must ~~comply with the assumptions and requirements in the Chesapeake Bay TMDL, address this issue.~~ The existing facilities covered under this General Permit are not expected to ~~achieve~~ have a reduction in loadings affecting the TMDL. ~~However,~~ Significant growth in facilities covered under this general permit is not expected and all new industrial stormwater loadings ~~will be~~ were included in the State's 2015 urban stormwater loading assessment. This assessment will evaluate the success or failure of the WIP strategy to not increase delivered loading from Potomac watershed urban stormwater sources beyond 2010 levels. The proper implementation of required SWPPP's and GPP's by industrial facilities renders stormwater discharges of quality similar to urban stormwater, hence the consideration of these discharges as urban stormwater discharges for WIP compliance purposes.

Commented [A22]: This should be updated to reflect the actual outcome from the 2015 assessment, not talk in generalities as if it is going to be happening in the future.

Commented [A23]: This has to include more information regarding the CB TMDL And The WV WIP, particularly as Phase III approaches.

The State of West Virginia, Department of Environmental Protection, Division of Water and Waste Management, has made a tentative decision for a State NPDES Permit as listed on this Fact Sheet. In order to provide public participation on the proposed issuance of the required permit, the following information is being supplied in accordance with Title 47, Series 10, Section 11.3.e.2 and 3, of the West Virginia Legislative Rules.

During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing. A request for a public hearing shall be made in writing and addressed to:

Director, Division of Water and Waste Management
Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304
Attention: Sharon Mullins
Phone: (304) 926-0499 ext. 1132
Fax: (304) 926-0446

[HYPERLINK "mailto:E-mail:%20Sharon.A.Mullins@wv.gov"]

The request shall state the nature of the issues proposed to be raised in the hearing and must be received within the comment period. The Director shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest on issues relevant to the draft permit. Any person may submit oral or written statements and data concerning the draft permit; however, reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. A tape recording or written transcript of the hearing shall be made available to the public upon request.

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If information received during the public comment period appears to raise substantial new questions, the Director may reopen the public comment period.

All applicable information concerning any permit application and the tentative decisions is on file and may be inspected by appointment, or copies obtained at a nominal cost, at the offices of the Division of Water and Waste Management, 601 57th Street SE, Charleston, West Virginia 25304, Monday through Friday (except State holidays) between 8:00 a.m. to 4:00 p.m.

Hearing impaired individuals having access to a Telecommunication Device for the Deaf (TDD) may contact our agency by calling (304) 926-0489. Calls must be made between 8 a.m. to 3:30 p.m. Monday through Friday.

Requests for additional information should be directed to Connie Anderson at (304) 926 0499 ext. 1073.

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